

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

## DEFENDANTS

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PRISONER PETITIONS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>LABOR</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE

SIGNATURE OF ATTORNEY OF RECORD

## FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**DESIGNATION FORM**

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: \_\_\_\_\_

Address of Defendant: \_\_\_\_\_

Place of Accident, Incident or Transaction: \_\_\_\_\_

**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☐ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: \_\_\_\_\_

  
Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
  - ☐ 2. FELA
  - ☐ 3. Jones Act-Personal Injury
  - ☐ 4. Antitrust
  - ☐ 5. Patent
  - ☐ 6. Labor-Management Relations
  - ☐ 7. Civil Rights
  - ☐ 8. Habeas Corpus
  - ☐ 9. Securities Act(s) Cases
  - ☐ 10. Social Security Review Cases
  - ☐ 11. All other Federal Question Cases
- (Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- ☐ 1. Insurance Contract and Other Contracts
  - ☐ 2. Airplane Personal Injury
  - ☐ 3. Assault, Defamation
  - ☐ 4. Marine Personal Injury
  - ☐ 5. Motor Vehicle Personal Injury
  - ☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_
  - ☐ 7. Products Liability
  - ☐ 8. Products Liability – Asbestos
  - ☐ 9. All other Diversity Cases
- (Please specify): \_\_\_\_\_

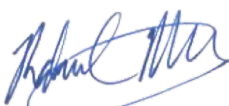
**ARBITRATION CERTIFICATION**

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, \_\_\_\_\_, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_

  
Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

MICHELE GATES

:  
PLAINTIFF, :  
v. :

CIVIL ACTION

ARAMARK CORPORATION

:  
DEFENDANTS.

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( X )

March 5, 2021



Plaintiff, Michele Gates

**Date****Attorney-at-law****Attorney for**

(215) 545- 7676

(215) 827- 5101

munshi@consolelaw.com

**Telephone****FAX Number****E-Mail Address**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MICHELE GATES**  
**Philadelphia, PA 19128**

**Plaintiff,**

**v.**

**ARAMARK CORPORATION**  
**2400 Market Street**  
**Philadelphia, PA 19103**

**Defendant.**

**CIVIL ACTION NO.**

**JURY TRIAL DEMANDED**

**COMPLAINT**

**I. INTRODUCTION**

Plaintiff, Michele Gates, brings this action against her former employer, Defendant Aramark Corporation (“Defendant” or “Aramark”). Plaintiff was discriminated against because of her sex and retaliated against for complaining of the same in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, *et seq.* (“Title VII”), the Pennsylvania Human Relations Act, as amended, 43 P.S. §951, *et seq.* (“PHRA”), and the Philadelphia Fair Practices Ordinance, Phila. Code §9-1101, *et seq.* (“PFPO”). Plaintiff seeks all damages, including economic loss, compensatory, and punitive damages, and all other relief under applicable federal, state, and local law as this Court deems appropriate.

**II. PARTIES**

1. Plaintiff, Michele Gates, is a female individual and citizen of the Commonwealth of Pennsylvania.

2. Defendant is a multi-national food services and facilities provider with a principal place of business in Philadelphia, Pennsylvania.

3. Defendant is engaged in an industry affecting interstate commerce and regularly conducts business in the Commonwealth of Pennsylvania.

4. At all times material hereto, Defendant employed more than fifteen (15) individuals.

5. At all times material hereto, Defendant acted as an “employer” within the meaning of the statutes which form the basis of this matter.

6. At all times material hereto, Plaintiff was an “employee” of Defendant within the meaning of the statutes which form the basis of this matter.

7. At all times material hereto, Defendant acted by and through its authorized agents, servants, and/or employees acting within the course and scope of their employment with Defendant and in furtherance of Defendant’s business.

### **III. JURISDICTION AND VENUE**

8. The causes of action which form the basis of this matter arise under Title VII, the PHRA, and the PFPO.

9. The District Court has jurisdiction over Count I (Title VII) pursuant to 42 U.S.C. §2000e-5 and 28 U.S.C. §1331.

10. The District Court has supplemental jurisdiction over Count II (PHRA) pursuant to 28 U.S.C. §1367.

11. The District Court has supplemental jurisdiction over Count III (PFPO) pursuant to 28 U.S.C. §1367.

12. Venue is proper in the District Court under 28 U.S.C. §1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred within this District.

13. On or about November 13, 2017, Plaintiff filed a Complaint of Discrimination

with the Pennsylvania Human Relations Commission (“PHRC”), and dual-filed with the Equal Employment Opportunity Commission (“EEOC”), complaining of the acts of discrimination and retaliation alleged herein. Attached hereto, incorporated herein and marked as Exhibit 1 is a true and correct copy of the Complaint of Discrimination.

14. On or about February 11, 2021, the EEOC issued to Plaintiff a Notice of Right to Sue. Attached hereto, incorporated herein and marked as Exhibit 2 is a true and correct copy of that notice.

15. Plaintiff has fully complied with all administrative prerequisites for the commencement of this action.

#### **IV. FACTUAL ALLEGATIONS**

16. Plaintiff commenced employment with Defendant on or around September 4, 1990.

17. Starting on around March 31, 2016, Plaintiff served in the role of District Controller for Defendant based at Citizens Bank Park in Philadelphia.

18. Plaintiff was the first female employee to hold the position of District Controller, based at Citizens Bank Park.

19. Defendant further had an underrepresentation of female employees in high-level positions.

20. As District Controller, Plaintiff reported directly to Kevin Tedesco (male), General Manager.

21. Mr. Tedesco reported directly to Brian Hastings (male), District Manager.

22. In April 2017, Plaintiff began actualizing and preparing financial reports for Defendant’s client, the Philadelphia Phillies (“Phillies”).

23. Plaintiff's primary contact with the Phillies was Michael Carson (male), Controller.

24. The Phillies unjustly criticized Plaintiff's performance and treated her in a more hostile and dismissive manner than the Phillies treated Defendant's male employees.

25. On or around May 12, 2017, the Phillies requested that Plaintiff's subordinate, Ryan Coleman (male), assist her in her duties for the Phillies.

26. The following day, on or around May 13, 2017, Defendant instructed Mr. Coleman to take over a portion of Plaintiff's duties with regard to the Phillies.

27. Unlike Plaintiff, Mr. Coleman was not unjustly criticized and subjected to sex discrimination, nor was he treated in a hostile and dismissive manner.

28. On or around May 15, 2017, Mr. Hastings told Plaintiff that the Phillies were unhappy with her. Mr. Hastings remarked: "maybe he [Carson] doesn't like women."

29. Plaintiff complained to Mr. Hastings that her interactions with the Phillies were humiliating and demoralizing, and that no matter what she did she was criticized.

30. Mr. Hastings responded to the effect of: "I can only imagine what it felt like. Or, no – I can't imagine."

31. On or around May 30, 2017, Mr. Hastings came to Plaintiff's office to discuss the Phillies being unhappy with her. Mr. Hastings said: "I hope it is not because you are a woman."

32. Plaintiff expressed her concern to Mr. Hastings that she was being discriminated against by the Phillies for being a woman, and she stated that she hoped that she was not being discriminated against.

33. That same day, Mr. Hastings rhetorically asked Plaintiff: "You know what happened to Chrissy [Flanigan], right?"

34. Ms. Flanigan (female) is an employee of Defendant who held the position of General Manager at Citizens Bank Park.

35. Defendant transferred Ms. Flanigan from her position as General Manager at Citizens Bank Park because the Phillies did not want her working with them.

36. Plaintiff understood Mr. Hastings to be communicating to her that the Phillies have a sex discriminatory bias; that the Phillies do not like working with female employees of Defendant; and that Defendant will discriminate against female employees in order to retain the Phillies as a client.

37. Despite Plaintiff's stated concern of sex discrimination, Defendant took no action to investigate the issue or remedy the hostile work environment to which she was subjected because of her sex.

38. Also on or around May 30, 2017, Doug Dunn (male), Regional Finance Director, came to Plaintiff's office and instructed her to "think about [her] next move and where [she] want[s] to be."

39. Plaintiff informed Mr. Dunn that she wanted to remain in her position and had no intentions of leaving.

40. On May 31, 2017, Plaintiff was placed on a Performance Improvement Plan ("PIP") by Mr. Hastings and Erica Silvi (female), Senior Human Resources Manager.

41. Mr. Hastings indicated that the PIP was instigated by the Phillies, and that the Phillies wanted Plaintiff to be placed on the PIP.

42. Plaintiff's performance did not warrant her being placed on a PIP.

43. Plaintiff had never received documented performance criticism until after Defendant acceded to the Phillies' sex discriminatory bias.



44. The 60-day PIP expired on July 31, 2017.

45. Plaintiff successfully completed the PIP and was given no indication at that time that further action would be taken by Defendant regarding Plaintiff's alleged performance deficiencies.

46. Several months later, on or around October 16, 2017, Kirk McCready (male), Controller, remarked to Plaintiff that he did not think the Phillies "like dealing with women."

47. A few days later, on or around October 19, 2017, in a meeting with Mr. Hastings and Ms. Silvi, Defendant terminated Plaintiff's employment, effective immediately.

48. Plaintiff asked why she received no follow-up from the PIP or further indication that Defendant allegedly found her performance deficient.

49. Mr. Hastings replied that Defendant considered placing Plaintiff on another PIP but ultimately felt that Plaintiff "couldn't handle it."

50. Defendant's stated reason for Plaintiff's termination (poor performance) is false and pretext for sex discrimination and/or retaliation.

51. Defendant terminated Plaintiff's employment because of her sex (female), in retaliation for Plaintiff complaining of sex discrimination, and because Defendant acquiesced to its client's desire to not have a female District Controller based at Citizens Bank Park.

52. Defendant discriminated and/or retaliated against Plaintiff by removing a portion of her job duties, placing her on an unwarranted PIP, and terminating her employment.

53. Upon information and belief, Defendant assigned Plaintiff's job duties to male and/or non-complaining employees. Plaintiff was more qualified and experienced to perform her position than the male and/or non-complaining employees who have been assigned her job duties.

54. Plaintiff's sex was a motivating and/or determinative factor in Defendant's discriminatory treatment of Plaintiff and in the termination of Plaintiff's employment.

55. Plaintiff's complaining of discrimination was a motivating and/or determinative factor in Defendant's retaliatory treatment of Plaintiff and in the termination of Plaintiff's employment.

56. The retaliatory actions taken against Plaintiff after she complained of discriminatory conduct would have discouraged a reasonable employee from complaining of discrimination.

57. As a direct and proximate result of the discriminatory and retaliatory conduct of Defendant, Plaintiff has in the past incurred, and may in the future incur, a loss of earnings and/or earning capacity, loss of benefits, pain and suffering, embarrassment, humiliation, loss of self-esteem, mental anguish, and loss of life's pleasures, the full extent of which is not known at this time.

58. The conduct of Defendant, as set forth above, was outrageous under the circumstances, was done by and with the knowledge of upper management, and warrants the imposition of punitive damages against Defendant.

59. The conduct of Defendant, as set forth above, was willful and intentional.

#### **COUNT I - TITLE VII**

60. Plaintiff incorporates herein by reference paragraphs 1 through 59 above, as if set forth herein in their entirety.

61. By committing the foregoing acts of discrimination and retaliation against Plaintiff on the basis of Plaintiff's sex, Defendant has violated Title VII.

62. Said violations were willful and intentional and warrant the imposition of punitive

damages.

63. As a direct and proximate result of Defendant's violation of Title VII, Plaintiff has suffered the damages and losses set forth herein.

64. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendant's unlawful acts unless and until this Court grants the relief requested herein.

65. No previous application has been made for the relief requested herein.

### **COUNT II - PHRA**

66. Plaintiff incorporates herein by reference paragraphs 1 through 65 above, as if set forth herein in their entirety.

67. Defendant, by committing the foregoing acts of discrimination and retaliation, has violated the PHRA.

68. As a direct and proximate result of Defendant's violations of the PHRA, Plaintiff has sustained the injuries, damages and losses set forth herein.

69. Plaintiff is now suffering and will continue to suffer irreparable injuries and monetary damages as a result of Defendant's unlawful acts unless and until the Court grants the relief requested herein.

70. No previous application has been made for the relief requested herein.

### **COUNT III – PFPO**

71. Plaintiff incorporates herein by reference paragraphs 1 through 70 above, as if set forth herein in their entirety.

72. Defendant, by committing the foregoing acts of discrimination and retaliation, has violated the PFPO.

73. As a direct and proximate result of Defendant's violations of the PFPO, Plaintiff has sustained the injuries, damages and losses set forth herein.

74. Said violations were willful and intentional and warrant the imposition of punitive damages.

75. Plaintiff is now suffering and will continue to suffer irreparable injuries and monetary damages as a result of Defendant's unlawful acts unless and until the Court grants the relief requested herein.

76. No previous application has been made for the relief requested herein.

**RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff, Michele Gates, and against Defendant Aramark. Plaintiff seeks damages and legal and equitable relief in connection with Defendant's improper conduct, and specifically prays that the Court grant the following relief to the Plaintiff by:

- a) declaring the acts and practices complained of herein to be in violation of Title VII;
- b) declaring the acts and practices complained of herein to be in violation of the PHRA;
- c) declaring the acts and practices complained of herein to be in violation of the PFPO;
- d) enjoining and permanently restraining the violations alleged herein;
- e) entering judgment against Defendant in favor of Plaintiff in an amount to be determined;
- f) awarding compensatory damages to Plaintiff to make Plaintiff whole for all past and future lost earnings, benefits and earnings capacity which Plaintiff has suffered and will continue to suffer as a result of Defendant's discriminatory and unlawful misconduct;
- g) awarding compensatory damages to Plaintiff for past and future emotional upset, mental anguish, humiliation, loss of life's pleasures and pain and suffering, which Plaintiff has

suffered or may suffer as a result of Defendant's improper conduct;

- h) awarding punitive damages to Plaintiff under Title VII;
- i) awarding punitive damages to Plaintiff under the PFPO;
- j) awarding Plaintiff such other damages as are appropriate under Title VII, the PHRA, and the PFPO;
- k) awarding Plaintiff the costs of suit, expert fees and other disbursements, and reasonable attorneys' fees; and
- l) granting such other and further relief as this Court may deem just, proper, or equitable including other equitable and injunctive relief providing restitution for past violations and preventing future violations.

**CONSOLE MATTIACCI LAW, LLC**

Dated: March 5, 2021

By: 

Rahul Munshi  
1525 Locust Street, 9<sup>th</sup> Floor  
Philadelphia, PA 19102  
[munshi@consolelaw.com](mailto:munshi@consolelaw.com)  
215-545-7676  
215-814-8920 (fax)

Attorneys for Plaintiff,  
Michele Gates

# EXHIBIT 1

COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE  
PENNSYLVANIA HUMAN RELATIONS COMMISSION

**COMPLAINT**

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COMPLAINANT:

**MICHELE GATES**

v.

RESPONDENT:

**ARAMARK**

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:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Docket No.

1. The Complainant herein is:

Name: Michele Gates

Address: **REDACTED**

2. The Respondent herein is:

Name: Aramark

Address: 1 Citizens Bank Way  
Philadelphia, PA 19148

3. I, Michele Gates, the Complainant herein, allege that I was subjected to unlawful discrimination because of my sex (female) and unlawful retaliation because of my complaints of sex discrimination, as set forth below:

**Discrimination and Retaliation**

**A. I specifically allege:**

[1] I was hired by Respondent on or about September 4, 1990. I consistently performed my job duties in a highly competent manner, and received positive feedback from Repspondent.

[2] I reported to Kevin Tedesco (male), General Manager, who reports to Brian Hastings (male), District Manager.

[3] I held the position of District Controller, based at Citizens Bank Park, since March 31, 2016.

[4] I was the first female employee to hold the position of District Controller, based at Citizens Bank Park.

[5] I was the only female directly reporting to Tedesco.

[6] Respondent has an underrepresentation of female employees in high level positions.

[7] In April 2017, I began actualizing and preparing financial reports for Respondent's client, the Philadelphia Phillies ("Phillies"). My primary contact with the Phillies was Michael Carson (male), Controller. The Phillies requested that I reach out to several male coworkers to assist me in working with the Phillies.

[8] The Phillies unjustly criticized my performance, and treated me in a more hostile and dismissive manner than the Phillies treated Respondent's male employees.

[9] On or about May 12, 2017, the Phillies asked Tedesco if he could find support for me in working with the Phillies.

[10] On or about May 12, 2017, the Phillies asked my subordinate, Ryan Coleman (male), Controller, to assist me in working with the Phillies.



[11] On or about May 13, 2017, Respondent instructed Coleman to take over a portion of my duties with regard to the Phillies. Coleman, unlike me, was not unjustly criticized and subjected to sex discrimination, and was not treated in a hostile or dismissive manner.

[12] On May 15, 2017, Hastings asked me what happened in my interactions with the Phillies, stating that the Phillies were unhappy with me. Hastings remarked: “maybe he [Carson] doesn’t like women.” I explained to Hastings that my interactions with the Phillies were humiliating and demoralizing, and that no matter what I did, I was criticized. Hastings responded: “I can only imagine what it felt like. Or, no—I can’t imagine.” I understood Hastings to have made these comments to me because I am female and because he was concerned that I was discriminated against based on my sex.

[13] On May 30, 2017, Hastings came into my office and again asked me why the Phillies were unhappy with me. Hastings stated: “I hope it is not because you are a woman.” I understood Hastings comments to be directed at me because I am female, and to be acknowledging the Phillies’ preference for male and not female employees. I expressed my concern that the Phillies were discriminating against me based on my sex when I advised that I hoped I was not being discriminated against by the Phillies because of my sex.

[14] On May 30, 2017, Hastings rhetorically asked me: “You know what happened to Chrissy [Flanigan], right?” Flanigan (female) is an employee of Respondent who held the position of General Manager at Citizens Bank Park; Respondent transferred Flanigan from her position of General Manager at Citizens Bank Park because the Phillies did not want her working with them. I understood Hastings to be communicating to me: that the Phillies have a sex discriminatory bias; that the Phillies do not like working with female employees of

Respondent; and that Respondent will discriminate against female employees in order to retain the Phillies as a client.

[15] Despite the stated concern of sex discrimination by the Phillies, Respondent took no action, to my knowledge, to investigate the issue or remedy the hostile work environment to which I was being subjected because of my sex.

[16] On May 30, 2017, Doug Dunn (male), Regional Finance Director, came into my office and instructed me to “think about [my] next move and where [I] want to be.” I informed Dunn that I liked my job, and that I wanted to remain in my position. I informed Dunn that I had no intentions of leaving.

[17] On May 31, 2017, I was placed on a Performance Improvement Plan (“PIP”) by Hastings and Erica Silvi (female), Senior Human Resources Manager. The PIP was to run for sixty (60) days. I was blindsided because Respondent never indicated that my performance was deficient. Hastings indicated that the PIP was instigated by the Phillies, and that the Phillies wanted me to be placed on the PIP. The stated reason for the PIP was that Respondent “had to take action because the situation [with the Phillies] escalated so quickly.” The reason why I was placed on the PIP is that I am female. My performance did not warrant a PIP. I never received documented performance criticism until after Respondent commented on and reacted to the Phillies’ sex discriminatory bias.

[18] The PIP expired on July 31, 2017.

[19] On October 16, 2017, Kirk McCready (male), Controller, remarked to me that he did not think the Phillies “like dealing with women.” McCready indicated that he never had a problem with the Phillies.

[20] On October 19, 2017, in a meeting with Hastings and Silvi, Respondent terminated my employment, effective immediately. The stated reason was that, while Respondent has seen some improvement from me, it has not been enough. I asked why I had received no follow up from the PIP or further indication that Respondent allegedly found my performance deficient. Hastings replied that Respondent “thought about another PIP, but didn’t want to put more on me, as [Respondent] didn’t think [I] could handle it.” Hastings told me that “[my] skill set is more that of an Office Manager/Controller,” and that Respondent “never should have put me in the role [of District Controller, based at Citizens Bank Park].”

[21] Respondent terminated my employment because I am female.

[22] Respondent terminated my employment because its client, the Phillies, did not want a female to be District Controller of Respondent based at Citizens Bank Park.

[23] I did not receive performance criticism from Respondent until the Phillies expressed its sex discriminatory bias, which Respondent acknowledged and used against me.

[24] Respondent discriminated against me based on my sex in subjecting me to a hostile work environment, removing a portion of my job duties, placing me on a PIP, and terminating my employment.

[25] Respondent retaliated against me based on my complaints of sex discrimination.

[26] Respondent’s sex discriminatory and retaliatory conduct toward me has caused me emotional distress.

[27] Respondent’s comments and conduct evidence a bias against female employees.

[28] I bring this Complaint as a class and pattern and practice Complaint on behalf of myself and any and all current or former similarly situated employees of Respondent who are female, and have been discriminated against based on sex, in connection with being subjected to a hostile work environment, being placed on a PIP, and being terminated.

B. Based on the aforementioned, I allege that Respondent has discriminated against me because of my sex (female) and retaliated against me because of my complaints of sex discrimination, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* ("Title VII"), the Pennsylvania Human Relations Act, as amended, 43 P.S. § 951, *et seq.* ("PHRA"), and the Philadelphia Fair Practices Ordinance, Phila. Code § 9-1101, *et seq.* ("PFPO").

4. The allegations in Paragraph 3 hereof constitute unlawful discriminatory practices in violation of:

  X   **Pennsylvania Human Relations Act (Act of October 27, 1955, P.L. 744, as amended) Section 5 Subsection(s):   (a); (e)**

\_\_\_\_\_ Section 5.1 Subsection(s) \_\_\_\_\_

\_\_\_\_\_ Section 5.2 Subsection(s) \_\_\_\_\_

\_\_\_\_\_ **Pennsylvania Fair Educational Opportunities Act (Act of July 17, 1961, P.L. 766, as amended) Section 4 Subsection(s) \_\_\_\_\_**

5. Other action based upon the aforesaid allegations has been instituted by the Complainant in any court or before any other commission within the Commonwealth of Pennsylvania as follows:


X        This charge will be referred to the EEOC for the purpose of dual filing.

6.      The Complainant prays that Respondent be required to:
  - (a) Make the Complainant whole.
  - (b) Eliminate all unlawful discriminatory and retaliatory practice(s) and procedure(s).
  - (c) Remedy the discriminatory and retaliatory effect of past practice(s) and procedure(s).
  - (d) Take further affirmative action necessary and appropriate to remedy the violation complained of herein.
  - (e) Provide such further relief as the Commission deems necessary and appropriate.

VERIFICATION

I hereby verify that the statements contained in this complaint are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 P.A.C.A. Section 4904, relating to unsworn falsification to authorities.

11/10/2017  
(Date Signed)

  
(Signature) Michele Gates

**REDACTED**

# EXHIBIT 2

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Michele Gates

**REDACTED**From: Philadelphia District Office  
801 Market Street  
Suite 1000  
Philadelphia, PA 19107☐On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

17F-2018-60441

Kurt Jung  
State, Local & Tribal Program Manager

(267) 589-9749

(See also the additional information enclosed with this form.)

## NOTICE TO THE PERSON AGGRIEVED:

**Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA):** This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

☒

More than 180 days have passed since the filing of this charge.

☐

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☒

The EEOC is terminating its processing of this charge.

☐

The EEOC will continue to process this charge.

**Age Discrimination in Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

☐The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on the above-numbered charge will be lost.☐

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Jamie R. Williamson  
District Director

02/11/2021

(Date Issued)

Enclosures(s)

cc:

ARAMARK

Rahul Munshi, Esq.  
Console Mattiacci Law  
1525 Locust Street, 9<sup>th</sup> Floor  
Philadelphia, PA 19102  
[munshi@consolelaw.com](mailto:munshi@consolelaw.com)  
[buccieri@consolelaw.com](mailto:buccieri@consolelaw.com)

Christopher Havener  
Assistant General Counsel, Employment Law  
Aramark Legal Department  
1101 Market Street, 29<sup>th</sup> Floor  
Philadelphia, PA 19107  
[havener-christopher@aramark.com](mailto:havener-christopher@aramark.com)



**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),  
the Genetic Information Nondiscrimination Act (GINA), or the Age  
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

**ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

***IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.***